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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRANDON J. ORR,

Plaintiff,

v.

CITY OF RENO, *et al.*,

Defendants.

Case No. 3:16-cv-00122-MMD-WGC

ORDER


On January 31, 2017, the Court dismissed this action with prejudice for Plaintiff's failure to comply with LSR 2-2 to notify the Court of his change of address. (ECF No. 15) On February 17, 2017, Plaintiff moved for reconsideration, explaining that he had been incarcerated in the North Las Vegas County Jail for traffic tickets and was not allowed to make any contact with anyone or send letters or postcards. (ECF No. 17.) The Court denied Plaintiff's motion based on his failure to include any dates to support his contention that he could not update his address due to his incarceration. (ECF No. 18.) Plaintiff has again moved for reconsideration, contending that he was incarcerated in the North Las Vegas County Jail from January 5, 2017, to the present time. (ECF No. 19.)

A motion to reconsider must set forth "some valid reason why the court should reconsider its prior decision" and set "forth facts or law of a strongly convincing nature to persuade the court to reverse its prior decision." *Frasure v. United States*, 256 F.Supp.2d 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court "(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *Sch. Dist. No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). A district court may

1 decline to consider claims and issues that were not raised until a motion for
2 reconsideration. *Hopkins v. Andaya*, 958 F.2d 881, 889 (9th Cir. 1992).

3 On December 9, 2016, the Court issued an order to remind Plaintiff of his
4 obligations to comply with LSR 2-2 to immediately notify the Court of his change of
5 address and gave him until January 9, 2017, to comply. (ECF No. 11.) Plaintiff did not
6 comply. As the Court noted in its previous order denying reconsideration, Plaintiff
7 appears to offer his incarceration for traffic tickets as a reason for his failure to comply
8 with LSR 2-2, but failed to provide the dates or length of his incarceration. This was
9 information that should have been included in Plaintiff's first motion for reconsideration.
10 However, even if the Court were to consider the new information presented in Plaintiff's
11 current motion—that Plaintiff was incarcerated starting on January 5, 2017—Plaintiff still
12 failed to explain why he did not comply with the Court's December 9, 2016, Order before
13 his incarceration. Plaintiff had about 25 days before he was incarcerated to comply. For
14 these reasons, the Court declines to reconsider its order dismissing this case.

15 DATED THIS 9th day of May 2017.

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19 MIRANDA M. DU
20 UNITED STATES DISTRICT JUDGE
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